



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/078,051	02/15/2002	Pei-Yuan Zhou	50269-0516	6331		
73066	7590	11/14/2008	EXAMINER			
HICKMAN PALERMO TRUONG & BECKER LLP/Yahoo! Inc. 2055 Gateway Place Suite 550 San Jose, CA 95110-1083				LOFTUS, ANNE		
ART UNIT		PAPER NUMBER				
3692						
MAIL DATE		DELIVERY MODE				
11/14/2008		PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/078,051	ZHOU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ANN LOFTUS	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 8/29/08.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) See Continuation Sheet is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 6-9, 11, 12, 15-26, 29-33, 36-39, 41-44, 46, 47, 50-61, 64-68 and 71-95 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

Continuation of Disposition of Claims: Claims pending in the application are 1-4,6-9,11,12,15-26,29-33,36-39,41-44,46,47,50-61,64-68 and 71-95.

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to an amendment filed on 8/29/08. Claims 1-4, 6-9, 11, 12, 15-26, 29-33, 36-39, 41-44, 46, 47, 50-61, 64-68 and 71-95 are pending. Claims 5, 10, 13, 14, 27, 28, 34, 35, 40, 45, 48, 49, 62, 63, 69 and 70 are cancelled.
  
2. The application was filed on 2/15/02 with a provisional dated 2/17/01.

### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2008 has been entered.

### ***Response to Arguments.***

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

5. Claims 90-95 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

A dependent claim is improper when it can be infringed without necessarily infringing the claim(s) from which it depends. Claims 90-95 are directed toward an article of manufacture (i.e., software stored

Art Unit: 3692

in a computer-readable medium and capable of being executed). Claims 90-95 may be infringed by merely possessing the article of manufacture (and not necessarily executing the stored software instructions) while method claims 78-83 are only infringed when the recited method steps are actively executed. Therefore, claims 90-95 are improper dependent claims since they can be infringed without infringing independent claims 78-83.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 38 and its dependents (39, 41-44, 46, 47, 50-61, 64-68, 71, 72, and 84-89) are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 38 recites a computer readable storage medium storing instructions, but does not specify executable instructions. The scope of this claim therefore would include an instruction manual stored as a document on a disk, for example, which is a non-statutory embodiment as non-functional descriptive material. Because the scope includes the non-statutory embodiment of non-executable instructions, it must be rejected. The dependent claims are rejected as failing to remedy the issue, and as dependent on rejected claims.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3692

9. Claims 1-4, 12, 15-19, 21-24, 36, 38, 39, 47, 50-54, 56-59, 71, 73-75, 77, 78-82, 84-86, 88, 89

and 91-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5963625 filed

9/30/96 by Kawecki et al. in view of US Patent Application 20020138331, filed on 2/5/01 by Hosea et al.

The first issue is the relevance of Kawecki in light of the applicant's invention as a whole. Kawecki teaches a method for a message carrier (telecommunications provider) to provide billing services for a service provider in col 3 line 35 to col 4 line 45. Kawecki's invention pertains to 1-900 numbers dialed on a telephone (col 1 line 26), which are billed via billing services provided by the toll network carrier, a credit agency, or the service provider itself (col 1, lines 32-35). The call is a type of message, addressed to the service provider by the number dialed, and carrying identification of the calling party to enable switching (ANI col 1 line 60). The call can be intercepted by a device comprising elements in Kawecki's Figure 1. The call is not the same type of message as envisioned in the applicant's preferred embodiment, particularly in that a phone message commonly refers to the audio information, as opposed to including the internal multipart message that includes the identifier information. But the point is moot because one of ordinary skill in the art of automated billing systems at the time of the invention would have found it obvious to update Kawecki's telephone message intercepting device using modern message components as found in Hosea page 4 paragraphs 36-39, in order to gain the commonly understood benefits of such adaptation, such as an expanded billable audience. Kawecki states that his invention can be updated for the Internet in col 16 lines 8-28, which would suggest replacing Kawecki's message with Hosea's message, which more closely matches the applicant's invention in that the identifier information is more closely integrated and the boundaries of the message are clearer. All this could be accomplished with predictable results and a reasonable expectation of success. See *Leapfrog Enterprises, Inc, V. Fisher-Price*, 485 F.3d 1157, USPQ2d 1687 (Fed Cir 2007) where applying modern electronics to older mechanical devices was found commonplace. In a similar vein, updating techniques from the telephone to the internet was commonplace at the time of the invention. Thus replacing the older type of message (phone call) with a newer type of Internet message would have been obvious.

As to claim 1, Kawecki teaches recording interactions reflected in messages in col 8 line 58-68.

Art Unit: 3692

As to independent claims 1 and 38, Kawecki teaches intercepting a message that has been sent from a first participant to a second participant prior to said message arriving at said second participant, wherein intercepting the message is performed by an intercepting device deployed between the first participant and the second participant wherein the message is addressed to said second participant in col 3 line 35 to col 4 line 45. Kawecki suggests identifier information in col 1 line 60, but does not explicitly teach the identifier included in the message. Hosea teaches the message includes identifier information wherein the intercepting device has access to the message and can interpret the identifier information contained within the message, and determining the identity of the first participant based on said identifier information in said message (extracting information used to correlate the request to a user profile) on page 4 paragraphs 36-39. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki to add the message including identifier information wherein the intercepting device has access to the message and can interpret the identifier information contained within the message and determining the identity of the first participant based on said identifier information in said message in order to ensure proper routing of the message to the recipient and to ensure proper billing identification.

Kawecki teaches wherein the first participant is one of a service requestor (caller) and a service provider and the second participant is the other of the service requestor and the service provider, and wherein the intercepting device is managed by a third party (telecommunications network) that is different from the service requestor and the service provider in col 3 line 35 to col 4 line 45.

Kawecki teaches that based on the intercepted message, software managed by the third party performing the steps of determining whether the message has billing implications, if the message has billing implications, sending the data to a billing service, the data including information related to the identity in col 6 line 50-55 and col 8 line 20 - col 9 line 2.

Kawecki teaches sending data to a billing service in col 1 near line 35. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the data required by a billing service includes the identity of the party to bill.

Art Unit: 3692

As to independent claim 78, and claim 90, in addition to the elements already discussed, Kawecki teaches providing access to content in the abstract. Kawecki teaches a client and a provider in the abstract. Kawecki teaches a client address in col 8 line 9, but this address comes from a database rather than the message. Hosea teaches an address associated with the client in paragraph 39 page 4. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki to add the identifier is an address associated with a client in order to make use of standard identifiers like URLs that can be automatically determined from the message, which avoids typographical errors. Kawecki teaches determining a class of service to which a user associated with the identity is entitled in col 11, lines 1-21.

As to claim 2, Kawecki teaches in col 8 lines 20-68 identifying based on the intercepted message (ANI and number dialed), a service that is being or has been provided to the service requestor by the service provider through the intercepted messages, and in response to identifying based on the intercepted message that the service is being or has been provided, billing one of the service requestor or service provider for said services (col 9 lines 1-18, and col 1 near line 35). As above, it would have been obvious to a person of ordinary skill in the art at the time of the invention to update Kawecki's telephone message.

As to claim 3, Kawecki teaches the third party performs the step of billing on behalf of the service provider in col 1 near line 35.

As to claims 4 and 39, in addition to the limitations already discussed, Kawecki teaches in col 8 line 57 to col 9 lines 18 using the log to charge a particular participant for a service indicated in the message, wherein said particular participant is one of said first participant and second participant.

As to claims 12 and 47, Kawecki teaches in the abstract the service involves providing content.

As to claims 15 and 50, Kawecki teaches updating the service requestor profile based on the service requested in col 11 lines 40-55.

As to claims 16, 24, 51 and 59, Kawecki teaches decrementing an account balance of the particular participant when the service requestor accesses the service in col 11 lines 50-61.

Art Unit: 3692

As to claims 17 and 52, Kawecki teaches in col 8 lines 20-68 determining from the message (including ANI and number dialed), the service that is requested by the service requestor. (See also Hosea page 4 paragraph 37).

As to claims 18 and 53, Kawecki teaches locating a profile based on the identity of the first participant in col 7 lines 25-50. A profile is by definition the collection of personal information for a particular customer, thus the account data is a profile

As to claim 19 and 54, Kawecki teaches storing billing data associated with the service requestor in the profile.

As to claims 21 and 56, Kawecki teaches billing the service requestor according to the choice of the service requestor in col 11 lines 55-61. Kawecki teaches recording customer information to make a profile in col 10 lines 10-24. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Kawecki to get storing the choice in the profile, thus suggesting billing the service requestor if the profile indicates that the service requestor is to be billed because remembering customer choices is good customer service.

As to claims 22 and 57, Kawecki teaches in step 304 fig 3, and col 15 lines 10-32.

As to claim 23 and 58, Kawecki teaches maintaining an account in col 10 lines 10-24. An account implies an account balance. Thus Kawecki suggests maintaining an account balance in a profile.

As to claims 36 and 71 Kawecki teaches determining whether the service provider is an authorized partner, and retransmitting the message to the service partner to obtain a service in col 15 lines 30-35.

As to claims 73 and 84, Kawecki teaches generating a log of the message wherein the data sent to the billing service is based on the log in col 8 line 57 to col 9 line 18.

As to claims 74 and 85, Kawecki teaches generating a log of messages in response to the software determining that the message has billing implications in col 8 line 57 to col 9 line 18.

As to claims 75 and 86, Kawecki does not teach a log generated without determining billing considerations. Hosea teaches a log generated without billing considerations in paragraph 45 page 5. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify

Art Unit: 3692

Kawecki to add a log generated without determining billing considerations in order to have a complete record of all message traffic in case of investigations for non-billing purposes.

As to claims 77, Kawecki teaches billing the service provider in col 13 near line 60. Kawecki also teaches billing for providing the service in the abstract.

As to claims 79 and 91, Kawecki teaches refusing to transmit the request to the provider in the abstract.

As to claims 80 and 92, Kawecki teaches sending the client a second message indicating the client is not allowed access to the service in col 2 near line 28.

As to claims 81 and 93, Kawecki teaches determining a class of service to which a user associated with the identity is entitled in col 11, lines 1-21. Kawecki teaches a modified request in that the request passed includes the credit information.

As to claims 82 and 94, Kawecki teaches that the particular service is different from the first service in that it is limited in col 11, lines 1-21.

As to claim 88, Kawecki teaches in col 8 line 57 to col 9 line 18 identifying based on the intercepted message, (the message interpreted to include the dialed number) a service that is being or has been provided to said service requestor by said service provider through at least in part the intercepted message, and in response to identifying based on the intercepted message, that the service is being or has been provided, billing one of the service requestor or service provider for said service.

As to claim 89, Kawecki teaches in col 1 lines 30-40 billing the service provider for providing the service.

10. Claims 11, 20, 31-33, 37, 46, 55, 66-68, 72, 83, and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawecki in view of Hosea as above, and further in view of US Patent Application No. 20020133412 filed 6 March 1998 by Oliver et al.

As to claims 11 and 46, the Kawecki Hosea combination does not specifically teach a message with a price at which the service provider is willing to provide a service. Oliver teaches a message with a price at which the service provider is willing to provide a service in paragraph 302 page 12. It would have

Art Unit: 3692

been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki Hosea to add a message with a price at which the service provider is willing to provide a service because the vendor, the biller and the purchaser all need the price data, and each of them would have access to the data in the message.

As to claims 20 and 55, the Kawecki Hosea combination does not specifically teach determining a price that a service requestor will pay for a service from the profile. Oliver teaches pricing data in the profile in paragraph 256 and 257 page 10. This is used to determine a price that the service requestor will pay for a service. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Kawecki Hosea combination to add determining a price that a service requestor will pay for a service from the profile because any pricing data particular to that requestor would be in the profile.

As to claims 31, 33, 66, 68, 83 and 95, the Kawecki Hosea combination does not specifically teach determining whether the service requestor has funds to pay for a service based on an authorization source, which is in the profile. Oliver in paragraphs 329-333, page 14 teaches determining whether the service requestor has funds to pay for a service based on an authorization source, which is in the profile. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Kawecki Hosea combination to add determining whether the service requestor has funds to pay for a service based on an authorization source, which is in the profile because it helps to avoid non-payment of services.

As to claims 32 and 67, Kawecki teaches retransmitting the message to the service provider to obtain the service for the service requestor in col 9 lines 10-20. Hosea teaches retransmitting the message to the service provider to obtain the service for the service requestor in Fig 9 and page 5 paragraph 45, where the HTML request for the content that originated from the user and was intercepted is then retransmitted to the content provider to obtain the service/content. The Kawecki Hosea combination does not specifically teach causing funds to be decremented from a requestor account associated with the service requestor. Oliver in paragraph 330 teaches an account linked to a debit card. This would allow the funds to be decremented from a requestor account associated with the service

Art Unit: 3692

requestor. It would have been obvious to a person of ordinary skill at the time of the invention to modify the Kawecki Hosea combination to add causing funds to be decremented from a requestor account associated with the service requestor in order to allow real-time payment for services.

As to claims 37 and 72, Kawecki teaches a secure internet connection in col 6 near line 24. The Kawecki Hosea does not teach authenticating the service provider. Oliver teaches a secure connection and authentication with a service provider in paragraph 365 page 16. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Kawecki Hosea combination to add authenticating the service provider in order to prevent fraud.

11. Claims 6, 7, 26, 41, 42, 61, 76 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawecki in view of Hosea as above, and further in view of US Patent 6873691 filed 4/6/99 by Malik.

As to claims 6 and 41, Kawecki teaches an AMA in col 8 line 65 but does not give the detail claimed. Malik teaches in col 17 line 40 to col 18 line 37 that an AMA has a log indicating how much a particular participant is to pay for the service. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki to add a log indicating how much a particular participant is to pay for the service in order to endure records sufficient for accounting and audits are available.

As to claims 7 and 42, Kawecki does not teach reading a plurality of logs at an aggregation engine that places access information contained in said logs into the format required by a billing system. Malik teaches in col 17 line 40 to col 18 line 37 reading a plurality of logs at an aggregation engine that places access information contained in said logs into the format required by a billing system. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki to add reading a plurality of logs at an aggregation engine that places access information contained in said logs into the format required by a billing system in order to condense the message data into a more useful form and save storage.

As to claims 26 and 61, Kawecki teaches tracking usage and determining billing implications in col 8 line 57-col 9 line 18, but does not give detail about incrementing a balance. Malik gives detail on the

Art Unit: 3692

AMA; the field of Count is incremented in col 18 near line 28. It would have been obvious to a person of ordinary skill in the art at the time of the invention to increment the count in the profile and determine billing based on the count in order to enable fine-grained billing that scales with usage.

As to claim 76 and 87, Kawecki does not teach an aggregation engine. Malik teaches an aggregation engine in col 17 line 40 to col 18 line 37. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kawecki to add an aggregation engine in order to consolidate the transaction information and save space.

12. Claims 8 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawecki in view of Hosea in view of Oliver as applied above, and further in view of US Patent No. 5339239 filed 11 Oct 1990 by Manabe et al.

As to claims 8 and 43, Kawecki teaches checking a credit history, and a credit score, but the Kawecki Hosea combination does not specifically teach determining whether the particular participant has sufficient funds to pay for the service; and determining how to handle said message based on whether said particular participant has sufficient funds to pay for the service. Oliver on page 14 paragraphs 329-332 teaches a credit(x) value that establishes funds available to the participant, compares credit(x) to the charge amount to determine sufficient funds and determines what to do next. Thus Oliver teaches determining whether the particular participant has sufficient funds to pay for the service; and determining how to handle said message based on whether said particular participant has sufficient funds to pay for the service. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Kawecki Hosea combination to add determining whether the particular participant has sufficient funds to pay for the service; and determining how to handle said message based on whether said particular participant has sufficient funds to pay for the service in order to avoid providing services without payment.

The Kawecki Hosea Oliver combination does not specifically teach determining that the particular participant must pre-pay for the service. Manabe teaches in col 5 lines 33-42 determining that the particular participant must pre-pay for the service. It would have been obvious to a person of ordinary skill

Art Unit: 3692

in the art at the time of the invention to modify the Kawecki Hosea Oliver combination to add determining that the particular participant must pre-pay for the service, because it would enable sales to people without established credit to purchase the services.

13. Claims 9 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawecki in view of Hosea in view of Oliver in view of Manabe as applied above, and further in view of US Patent No 6167385, filed 30 Nov 1998 by Hartley –Urquhart, hereafter called Hartley.

As to claims 9 and 44, The Kawecki Hosea combination does not teach pre-payment guidance. Oliver on page 14 paragraphs 329-332 teaches inspecting a profile for prepayment guidance as above. Manabe in col 5 lines 33-42 teaches determining that a service requestor must pre-pay for the service as above. The Kawecki Hosea Oliver Manabe combination does not specifically teach a provider profile that with prepayment guidance. Hartley in col 3 lines 49-64 teaches a provider profile with prepayment guidance. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Kawecki Hosea Oliver Manabe combination to add a provider profile with prepayment guidance, because by storing such information in a provider file, it would only need to be updated in a single easily-found place when the policy changes.

14. Claims 25 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawecki in view of Hosea and further in view of US Patent No. 5502636 filed Jan 31, 1992 by Clarke.

As to claims 25 and 60, The Kawecki Hosea combination does not specifically teach updating the profile to award the service requestor a prize for having requested said service. Clarke in claims 6, 18 and 19 teaches updating the profile to award the service requestor a prize (coupon) for having requested said service (subscription). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Kawecki Hosea combination to add updating the profile to award the service requestor a prize for having requested said service because it helps to motivate repeat business.

Art Unit: 3692

15. Claims 29, 30, 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawecki in view of Hosea as applied above and further in view of US Patent No. 6704612 filed 12 May 1999 by Hahn-Carlson, hereafter known as Hahn.

As to claims 29, 30, 64, and 65, Kawecki teaches retransmitting the message to the service provider to obtain the service for the service requestor in col 9 lines 10-20. Hosea teaches retransmitting the message to the service provider to obtain the service for the service requestor in Fig 9 and page 5 paragraph 45, where the HTML request for the content that originated from the user and was intercepted is then retransmitted to the content provider to obtain the service/content. The Kawecki Hosea combination does not specifically teach inspecting a profile to determine whether the service requestor requires pre-authorization for the service, and sending the service requestor a payment authorization message. Hahn teaches inspecting a profile to determine whether the service requestor requires pre-authorization for the service in claims 1, 11 and 16. Hahn teaches in col 11 line 45 to col 12 line 5 sending a payment authorization request and receiving a payment authorization. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Kawecki Hosea combination to add inspecting a profile to determine whether the service requestor requires pre-authorization for the service, sending the service requestor a payment authorization message, and receiving a payment authorization in order to document a purchaser's agreement to pay and avoid denial of payment later.

### ***Conclusion***

16. While portions of interest have been indicated, all references should be considered for the entirety of their teachings.

17. The applicant requested an interview before examination in the remarks. Unfortunately, by the time the request was read, examination had begun. The applicant is encouraged to call if an interview is still desired.

Art Unit: 3692

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Loftus whose telephone number is 571-272-7342. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL

/Kambiz Abdi/  
Supervisory Patent Examiner,  
Art Unit 3692